

Rec'd PCT/PTO 26 SEP 2005

PATENT

#5
10/520925

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David B. Olsen, et al.

Serial No.: 10/520,925

Case 21194P

Filed: January 7, 2005

Examiner:

For: THIONUCLEOSIDE DERIVATIVES AS INHIBITORS OF
RNA-DEPENDENT RNA VIRAL POLYMERASE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed July 25, 2005, which is attached hereto, enclosed is a Declaration and Power of Attorney executed by the inventors.

The Notice also references that a Sequence Listing is due. This appears to have been an error.

The instant application, USSN 10/520,925 is a U.S. national phase application of PCT/US03/22556, filed July 18, 2003, which in turn claims priority to U.S. provisional application SN 60/398,237, filed July 24, 2002. The instant application, its specification and claims neither contain nor recite nucleotide or amino acid sequence disclosures.

Since the instant application does not recite or contain nucleotide or amino acid sequence disclosures, Applicants hereby request that the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure be withdrawn, and that the requirement that a computer readable form copy of the sequence listing along with an identical written sequence listing be waived.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

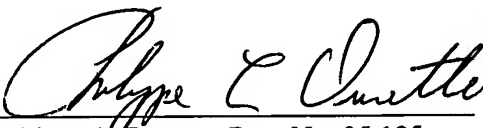
By Dennis Brown Date 9-23-2005

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For convenience, a copy of the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure is enclosed for easy reference.

Enclosed is a transmittal form authorizing payment of the \$130.00. If there are any deficiencies, please also charge these to Merck Deposit Account number 13-2755.

Respectfully submitted,

By 
Philippe L. Durette, Reg. No. 35,125
Attorney for Applicants

Enclosure

September 23, 2005

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
Tel: (732)594-4568

21194P PCT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/520,925	FIRST NAMED APPLICANT David B Olsen	ATTY. DOCKET NO. 21194P
INTERNATIONAL APPLICATION NO. PCT/US03/22556		
I.A. FILING DATE 07/18/2003		PRIORITY DATE 07/24/2002

000210
MERCK AND CO., INC
P O BOX 2000
RAHWAY, NJ 07065-0907

*See listing
Oath/Dec (wmp)
due 9/25/05*



CONFIRMATION NO. 4928
371 FORMALITIES LETTER



OC000000016603203

Date Mailed: 07/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/07/2005
- Copy of the International Search Report filed on 01/07/2005
- Preliminary Amendments filed on 01/07/2005
- Information Disclosure Statements filed on 04/08/2005
- Oath or Declaration filed on 01/07/2005
- U.S. Basic National Fees filed on 01/07/2005
- Priority Documents filed on 01/07/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath of declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

JUL 26 2005

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- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,925	PCT/US03/22556	21194P

FORM PCT/DO/EO/905 (371 Formalities Notice)

Effective on 12/08/2004.		Complete if Known	
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)		Application Number	10/520,925 ✓
FEE TRANSMITTAL		Filing Date	January 7, 2005
SEP 26 2005		First Named Inventor	David B. Olsen
		Examiner Name	
		Art Unit	
TOTAL AMOUNT OF PAYMENT \$130		Attorney Docket Number	21194P

METHOD OF PAYMENT (check all that apply)

- ☒ Deposit Account Deposit Account Number 13-2755 Deposit Account Name Merck & Co., Inc.
- For the above-identified deposit account, the Director is hereby authorized to (check all that apply):
- ☒ Charge fee(s) indicated below
- ☒ Credit any overpayments
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES	SEARCH FEES	EXAMINATION FEES	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	500	200	\$0
Design	200	100	130	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)
Each claim over 20	50
Each independent claim over 3	200
Multiple dependent claims	360

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
				Fee (\$)
-20 =	0	x \$50	= \$0	\$360

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
-3 =	0	x \$200	= \$0

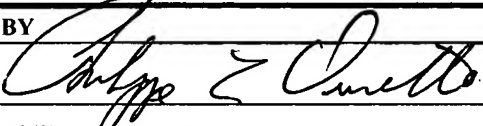
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding sequence listing or computer program listing filed in an electronic medium), the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1) (G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	0	/50= 0 (round up to a whole number)	0 X \$250	= \$0

4. OTHER FEE(S)

Non-English Specification, \$130 fee	Fees Paid (\$)
Other: <u>Late Oath or Declaration Surcharge</u>	\$130

SUBMITTED BY			
Signature		Reg. Number	35,125
Name (Print/Type)	Philippe L. Durette	Telephone	732-594-4568
		Date	09/23/2005

10/03/2005 MKAYPAGH 00000217 132755 10520925

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Dennis Ban Date 9-23-2005